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FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In Reply Refer To:
7230-A/1700C1

93-253

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Mr. George C. Dick
Four Colour Imports, Ltd.
2843 Brownsboro Road
Louisville, Kentucky 40206

Dear Mr. Dick:

This acknowledges receipt of your letter dated November 8, 1993, to Ralph Haller, Chief of the Private Radio Bureau. You express concern that our previous reply implied that the Commission has prematurely decided that spectrum auctions (competitive bidding) would be employed as a means of resolving mutually exclusive applications in the Interactive Video and Data Service (IVDS). Such is not the case. A final decision concerning the means by which the Commission will resolve mutually exclusive applications in the IVDS has not yet been determined.

The reply comment period for NPRM, PP Docket 93-253 was extended to November 30, 1993. The Commission is currently reviewing the comments and reply comments that were filed. Your letter has been forwarded to our Dockets Branch, therefore, to be included with the comments and reply comments filed in response to the NPRM. I can assure you that every consideration will be given to the views you expressed in your letter.

Thank you for your interest in this matter.

Sincerely,

R.H. McNamara

Robert H. McNamara
Chief, Special Services Division

cc: Special Services Division/Chron
Chief, Special Services Division
Chief, Private Radio Bureau
Dockets Branch (PP Docket 93-253)✓
J. Alford
File

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Date to OBC 12/08
Date to Mail Room 12/08



November 8, 1993

Mr. Ralph Haller
Chief, Private Radio Bureau
Federal Communications Commission
Washington, DC 20554

Reference: 7230-A/1700C1

Dear Mr. Haller,

Thanks for responding so quickly to my letter of October 25. Though you have detailed a lot of history on IVDS, I am not satisfied that I have made my point clear.

The FCC still has a choice of whether or not to hold lotteries or competitively auction the remaining IVDS spectrum. Your letter leads me to believe that you feel this issue is decided and the matter is closed - and that the only thing left to deal with is how to structure the rules auctioning the spectrum.

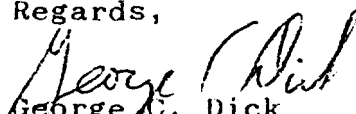
You refer to the FCC having it's lottery authority limited by Omnibus Budget Reconciliation Act of August 10, 1993. That limitation concerns itself with the key issue of whether or not IVDS services will be made available to the public on a "pay" or "free" basis. In fact, and I quote the House/Senate Conference report on this matter:

Under the terms of the Conference Agreement, competitive bidding procedures would be utilized for a limited number of licenses. These procedures will only be utilized when the Commission accepts for filing mutually exclusive applications for a license, and the Commission has determined that the principal use of that license will be to offer service in return for compensation from subscribers.

So, in absence of any proof that IVDS will be a "subscriber" based service, the FCC is still mandated to hold lotteries for IVDS spectrum. It's not the lottery authority that is limited by this act, but the competitive bidding authority.

Finally, I submit there is no real evidence in existence as to whether the IVDS will be a "subscriber" based or not. Lacking that, the FCC should, by the reasons I mentioned in my first letter to you, continue with the original plan to hold lotteries for the remaining IVDS spectrum.

Regards,


George C. Dick
President

ROMANO L. MAZZOLI
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Congress of the United States
House of Representatives
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November 5, 1993

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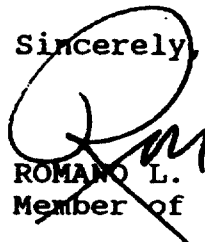
Dear Mr. Dick:

Thanks for your letter expressing support for the Federal Communications Commission (FCC) distributing frequencies for Interactive Video and Data Service (IVDS) by lottery instead of auction.

At your request, I am contacting the FCC on this matter, and I will be back in touch soon with a response.

In the meantime, please do not hesitate to contact me again if I can be of any additional service. With all best wishes and regards.

Sincerely,



ROMANO L. MAZZOLI
Member of Congress

RLM:dma

MITCH McCONNELL
KENTUCKY

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AGRICULTURE
APPROPRIATIONS
RULES
ETHICS (VICE CHAIRMAN)

United States Senate

WASHINGTON, DC 20510-1702
(202) 224-2541

October 29, 1993

Mr. George C. Dick
President
Four Colour Imports, Inc.
2843 Brownsboro Road
Louisville, Kentucky 40206

Dear Mr. Dick:

Thank you for your letter regarding your concerns on the Federal Communications Commission's (FCC) policy for distributing frequencies for Interactive Video and Data Service (TVDS). I appreciate your taking the time to share your views with me.

On your behalf, I sent a letter to Mr. James H. Quello, Chairman of the Federal Communications Commission, requesting his review of your concerns. I will be sure to keep you updated on any information I receive on this matter.

Again, thank you for sharing your interests with me, and please keep me informed of your comments and concerns in the future.

Sincerely,



MITCH McCONNELL
UNITED STATES SENATOR

MM/rjb

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